

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

1/22/02  
1/18/02  
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3/11/02

Applicants : Richard A. Sederquist et al.  
Application No. : 09/955,588  
Filed : September 18, 2001  
For : SHELL AND TUBE REACTOR  
Art Unit : 1764  
Docket No. : 130109.435  
Date : January 8, 2002

LICENSING AND REVIEW  
Commissioner for Patents  
Washington, DC 20231

STATEMENT RE: FORM PTOL-456

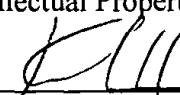
Commissioner for Patents:

Enclosed is Form PTOL-456, executed by the second inventor, Kevin Marchand, who was unavailable for signature on December 18, 2001, when the original PTOL-456 was submitted.

Respectfully submitted,

Richard A. Sederquist et al.

SEED Intellectual Property Law Group PLLC

  
Karl R. Hermanns  
Registration No. 33,507

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Enclosure: Form PTOL-456

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SEED INTELLECTUAL PROPERTY		FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
SEED INTELLECTUAL PROPERTY PLLC 09/955,598		09/18/01	SEDERQUIST	R 130109.435

000500  
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC  
701 FIFTH AVE  
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SEATTLE WA 98104-7092

EXAMINER	
ART UNIT	PAPER NUMBER
0000	3

DATE MAILED:

11/07/01

**IF NO RESPONSE TO THIS NOTICE IS RECEIVED WITHIN FORTY-FIVE DAYS, A  
FORMAL REQUIREMENT WILL BE ISSUED**

The subject matter of this application appears to:

be "useful in the production or utilization of special nuclear material or atomic energy" as recited in 42 U.S.C. 2182 (Department of Energy (DOE)).

"have significant utility in the conduct of aeronautical and space activities" as recited in 42 U.S.C. 2457 (National Aeronautics and Space Administration (NASA)).

Accordingly, no patent can issue on this application unless applicant(s) file a statement (under oath or in the form of a declaration as provided by 37 CFR 1.68) setting forth (1) the full facts concerning the circumstances under which the invention was made and conceived and (2) the relationship (if any) of the invention to the performance of any work under any contract or other arrangement with the Agency(ies) noted above. On the reverse side of this form is an example of an acceptable format for this statement. The language appearing in paragraphs III and/or IV of the example **must** appear if applicant is attempting to establish that no relationship (under item 2 above) exists.

If the invention disclosed in this application was developed under a contract, grant or cooperative agreement between the Agency indicated above and a person, small business or non-profit organization and rights to the invention have been determined by specific reference to 35 U.S.C. 202 in the contract, grant or cooperative agreement, then applicant need not submit the statement described above. Instead, applicant may file a verified statement (under oath or in the form of a declaration, 37 CFR 1.68) setting forth the information required by 35 U.S.C. 202(c)(6).

**IF NO STATEMENT HAS BEEN RECEIVED WITHIN FORTY-FIVE DAYS OF THE MAIL DATE INDICATED ABOVE, a formal requirement for statement will then be issued. No provision is made for extension of the statutory thirty-day period for response to the formal requirement and the penalty for failure to file an acceptable and timely statement is abandonment of the application. Therefore, applicants are strongly encouraged to submit a statement at this time in order to avoid the issuance of a formal requirement.**

IT IS IMPORTANT TO NOTE that the statement must accurately represent the property rights situation of the claimed invention if and when the application is found allowable. Thus, if during prosecution before the examiner, the claimed invention is so altered or the property rights situation so changed as to impact the accuracy of a statement submitted earlier, a supplemental statement must be filed. Failure to submit such additional information where appropriate may be considered a false representation of material facts and render the patent owner vulnerable to loss of patent rights and other sanctions as set forth in the statutes. The PTO will not review allowed applications for this possibility. The responsibility for complying with the statutes rests with the applicants.

Any questions regarding this requirement should be directed to Licensing and Review at (703) 306-4191.

**PLEASE DIRECT ALL COMMUNICATIONS RELATING TO THIS MATTER TO THE  
ATTENTION OF LICENSING AND REVIEW**

The following is an example of an acceptable property rights statement. Statements of this type are, of course, only suitable for situations in which NO Agency funds or other considerations were involved in the making or conception of the invention. While this example is in the form of a declaration, a sworn document is equally acceptable.

I (We) Richard A. Sederquist and Kevin Marchand

citizens of United States (Sederquist) and Canada (Marchand)

residing at 68 Wildflower Lane, Middletown, CT 06457; #303-9145 Saturna Drive, Burnaby, British Columbia, CANADA V3J 7K1

declare:

That I (we) made and conceived the invention described and claimed in patent application:

Serial Number 09/955,588 filed in the United States of America on September 18, 2001

titled SHELL AND TUBE REACTOR

*(Check and complete either I or II below)*

*(Check III and/or IV below as appropriate)*

I. *(For Inventors Employed by an Organization)* That I (we) made and conceived this invention while employed by Ballard Power Systems Inc. That the invention is related to the work I am (we are) employed to perform and was made within the scope of my (our) employment duties; That the invention was made during working hours and with the use of facilities, equipment, materials, funds, information and services of Ballard Power Systems Inc. Other relevant facts are the invention does not relate to nuclear material/atomic energy.

That to the best of my (our) knowledge and belief:

III. The invention was not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors: Energy Research and Development Administration or the Department of Energy.

—AND/OR—

IV. The invention was not made (conceived or first actually reduced to practice) under nor is there any relationship of the invention to the performance of any work under any contract of the National Aeronautics and Space Administration.

That to the best of my (our) knowledge and belief (and/or) based upon information provided by \_\_\_\_\_

of \_\_\_\_\_

—OR—

II. *(For Self-Employed Inventors)* That I (we) made and conceived this invention on my (our) own time using only my (our) own facilities, equipment, materials, funds, information and services. Other relevant facts are \_\_\_\_\_

The undersigned inventor(s) declare further that all statements made herein of his or her (their) own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Inventor's Signature: Richard A. Sederquist

Post Office Address: 68 Wildflower Lane, Middletown, CT 06457

Date: December 10, 2001

Inventor's Signature: Kevin Marchand

Post Office Address: #303-9145 Saturna Drive, Burnaby, British Columbia, CANADA V3J 7K1

Date: JAN 3, 2002

Please type a plus sign (+) inside this box → 

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# TRANSMITTAL FORM

*(To be used for all correspondence  
after initial filing)*

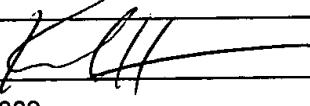
Application Number	09/955,588
Filing Date	September 18, 2001
First Named Inventor	Richard A. Sederquist
Group Art Unit	1764
Examiner Name	
Attorney Docket No.	130109.435

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> CD(s), Number of CD(s) _____
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance
<input type="checkbox"/> Amendment/Response	<input type="checkbox"/> Request for Corrected Filing Receipt	<input type="checkbox"/> Communication to Group
<input type="checkbox"/> After Final	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Information Disclosure Statement; Form PTO-1449	<input type="checkbox"/> Declaration	<input checked="" type="checkbox"/> Return Receipt Postcard
<input type="checkbox"/> Cited References	<input type="checkbox"/> Statement under 37 CFR 3.73(b)	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Terminal Disclaimer	<u>Form PTOL-456</u>
<input type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53	<input type="checkbox"/> Small Entity Statement	<u>Statement re Form PTOL-456</u>
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Request for Refund	

## Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Individual Name	Karl R. Hermanns	
		00500 PATENT TRADEMARK OFFICE
Signature		
Date	January 8, 2002	

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the date specified below.

Typed or printed name		
Signature		Date: